

*Antelope Valley*  
Air Quality Management District

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Final Staff Report  
Amendment of  
Rule 219 – *Equipment Not Requiring a Permit*

Adopted on  
October 18, 2016

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## **STAFF REPORT**

### **Rule 219– *Equipment Not Requiring a Permit***

#### **I. PURPOSE OF STAFF REPORT**

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

#### **II. EXECUTIVE SUMMARY**

The Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin. SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute (Health & Safety Code §§41300 et seq.) to replace the AVAPCD. The rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them.

The AVAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook. This rule sets forth which equipment is too small to need a permit. Proposed amendments will clarify existing policies and may potentially require several permits at a minority of facilities.

The AVAQMD amended Rule 219 on January 18, 2011 to implement portions of the provisions of Senate Bill 700 of 2002 (SB700) by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. Subsequent to this amendment, the California Air Resources Board (CARB) provided a more detailed interpretation on the provisions in SB 700 relating to the permitting thresholds for minor agricultural sources. SB 700 requires districts in California to permit agricultural sources with actual emissions at or above one half the major source threshold and prohibits districts from permitting agricultural sources with actual emissions less than one half the major source threshold. CARB had never defined which major source threshold should be referred to for permitting agricultural sources ((1) the State Implementation Plan (SIP)-approved threshold, (2) the most recent locally adopted threshold, or (3) the threshold corresponding with the current federal attainment status in 40 CFR 81.305). CARB has clarified that the permitting threshold for minor agricultural sources should be the most stringent of any major source threshold. The

AVAQMD must now amend Rule 219 in accordance with the CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

The exemption for welding is proposed for modification to reflect requirements in the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including welding. Language has been added to address welding operations that have the potential to emit Hazardous Air Pollutants (HAP), including cadmium, chromium, lead, manganese or nickel. Proposed rule language has been derived from South Coast Air Quality Management District (SCAQMD) Rule 219 and 40 CFR Part 63 National Emissions Standards for HAPs: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

Spray coating equipment is being modified to add flexibility to allow spray equipment for high viscosity coatings and their transfer efficiency requirements.

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD or District) amend proposed Rule 219 – *Equipment Not Requiring Permit* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to address a more detailed interpretation by CARB of Senate Bill (SB) 700 provisions and to update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment.

The Governing Board of the Antelope Valley Air Quality Management District amended Rule 219 – *Equipment Not Requiring a Permit* on October 18, 2016.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally amendments to Rule 219 – *Equipment Not Requiring a Permit*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

##### **FINDINGS REQUIRED FOR RULES & REGULATIONS:**

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

##### **REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):**

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

##### **ELEMENTS OF A FEDERAL SUBMISSION:**

- N/A Elements as set forth in applicable Federal law or regulations.

##### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):**

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

##### **OTHER:**

- X Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendments Rule 219. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

#### 1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

##### a. Necessity:

The amendments to Rule 219 are necessary to address a more detailed interpretation by CARB of Senate Bill (SB) 700 provisions and to update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment.

##### b. Authority:

The District has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

##### c. Clarity:

The amendments to Rule 219 are clear in that they are written so that the persons subject to the rule can easily understand the meaning.

##### d. Consistency:

The amendments to Rule 219 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. They do not interfere with any federal applicable requirement concerning attainment or Reasonable Further Progress (RFP) pursuant to the Federal Clean Air Act (FCAA).



e. Nonduplication:

The amendments to Rule 219 do not impose the same requirements as any existing state or federal law or regulation because state law requires the adoption and implementation of the provisions of SB 700.

f. Reference:

The District has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the amendments to Rule 219 was published on September 16, 2016. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 219 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The adoption of the proposed amendment to Rule 219 is subject to all the requirements for a SIP submittal because this rule is in the SIP.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 219 will be published on September 16, 2016. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments to Rule 219 and the accompanying draft staff report were made available to the public on September 16, 2016.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 219 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on August 08, 2016 and again on September 16, 2016.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 219 was conducted on October 18, 2016.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the CEQA.

## B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The existing FCAA requires districts to adopt local programs for issuing operating permits to major stationary sources of air pollutants. California responded by adopting SB700 to require air districts to adopt rules to regulate pollution from larger agricultural sources in the same manner as other non-agricultural sources with similar equipment. The existing act defines a stationary source as any building, structure, facility, or installation that emits or may emit any air pollutant. The FCAA (42 U.S.C. Sec. 7401 et seq.) prohibits the state from adopting emission standards or limitations less stringent than those established under the federal act, including limitations on emissions from agricultural sources.

The AVAQMD amended Rule 219 on January 18, 2011 to implement certain portions of SB700 by requiring all agricultural sources that meet certain thresholds to obtain permits like other regulated sources. Subsequent to this amendment, CARB provided a more detailed interpretation on the provisions in SB700 relating to the permitting thresholds for minor agricultural sources. SB700 requires districts in California to permit agricultural sources with actual emissions at or above one half the major source threshold and prohibits districts from permitting agricultural sources with actual emissions less than one half the major source threshold. CARB had never defined which major source threshold should be referred to for permitting agricultural sources ((1) the SIP-approved threshold, (2) the most recent locally adopted threshold, or (3) the threshold corresponding with the current federal attainment status in 40 CFR 81.305). CARB has clarified that the permitting threshold for minor agricultural sources should be the most stringent of any major source threshold. The AVAQMD must now amend Rule 219 in accordance with the CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

*The Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX) regulates nine (9) industrial processes, including welding. The exemption for welding is proposed for modification to address 40 CFR 63 Subpart XXXXXX requirements by restricting welding operations that have the potential to emit HAPs, including cadmium, chromium, lead, manganese or nickel.

## C. ECONOMIC ANALYSIS

### 1. General

The proposed amendments to Rule 219 are not expected to have an adverse economic impact, except potentially to require a small number of facilities to obtain permits for welding equipment.

### 2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>) or oxides of sulfur (SO<sub>x</sub>). This requirement does not apply to the proposed amendments to Rule 219 (an administrative rule) since it does not require BARCT or “all feasible measures.”

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 219 was determined.

1. The proposed amendments to Rule 219 meet the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed amendments to Rule 219 are exempt from CEQA review because they will not create any adverse impacts on the environment.

The proposed amendments to Rule 219 will clarify portions of the rule that were previously adopted to incorporate the provisions of SB 700. Language is being changed in accordance with CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

#### E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

##### 1. Potential Environmental Impacts

The District does not anticipate any potential environmental impacts of compliance with the proposed amendments to Rule 219. This rule sets forth which equipment is too small to need a permit. Proposed amendments will clarify existing policies and may potentially require several permits at a minority of facilities.

##### 2. Mitigation of Impacts

N/A

##### 3. Alternative Methods of Compliance

N/A

#### F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

### VI. TECHNICAL DISCUSSION

#### A. SOURCE DESCRIPTION

Rule 219 – *Equipment Not Requiring a Permit* describes equipment that does not require a permit pursuant to District Rules 201 and 203; and describes equipment which does not need to be listed on a Federal Operating Permit (FOP) issued pursuant to Regulation XII. The proposed amendments to Rule 219 clarify thresholds criteria for exclusion from both state and federal operating permits for agricultural facilities as determined by a threshold number of animals and/or emissions. This amendment will also update rule provisions applying to welding and coating or adhesive application or laminating equipment.

#### B. EMISSIONS

As an administrative action, this rule amendment would not have any direct impact on the issuance of air contaminants.

1. Agricultural Facilities

The proposed amendments to Rule 219 will clarify portions of the rule that were previously adopted to incorporate the provisions of SB 700. Language is being changed in accordance with CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold. There are no changes in emissions associated with this clarification.

2. Welding Equipment

The exemption for welding is also proposed for modification to reflect requirements in the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including welding. This is no longer a blanket exemption and may require a small number of facilities to obtain permits that were previously exempted. This amendment strengthens the exemption and will not create any increase in emissions.

C. CONTROL REQUIREMENTS

The proposed amendments to Rule 219 do not change control requirements. The proposed amendments provide clarification provided by CARB for agricultural facilities and removes the broad exemption for welding by incorporating provisions of 40 CFR Part 63 Subpart XXXXXX.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 219.

Subsection (D)(2)(b) has been proposed for amendment in accordance with CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

Subsection (E)(5)(h) has been proposed for amendment to eliminate the blanket exemption for welding pursuant to the guidance provided in *40 CFR Part 63 National Emissions Standards for HAPs: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories*.

Subsection (E)(12)(p) has been proposed for amendment to be more consistent with neighboring District requirements.

Subsection (E)(12)(oo) has been proposed for amendment to add cleaning equipment using low VOC materials pursuant to request from industry and derived from SCAQMD Rule 219 § (o)(3).

## E. SIP HISTORY

### 1. SIP History.

Prior to 1975 the original air district for the Antelope Valley region was the Los Angeles County Air Pollution Control District that had a jurisdiction covering the entire county of Los Angeles. In 1975, the Southern California APCD was created. It was a joint powers authority that had a jurisdiction covering all of the counties of Los Angeles, Orange, Riverside and San Bernardino. The SCAQMD came into existence pursuant to statute on February 1, 1976 and originally covered only the areas within the South Coast Air Basin (SCAB). The legislation was thereafter amended to allow non-SCAB areas to “opt in.” Los Angeles County exercised this option and thus the Antelope Valley became a part of SCAQMD. On July 1, 1997 the AVAPCD replaced the SCAQMD as the agency with jurisdiction over the Los Angeles County portion of the Mojave Desert Air Basin (MDAB). On January 1, 2002 the AVAPCD was replaced by the AVAQMD. Pursuant to both statutory changes, the rule and regulations of the predecessor district were retained until the Governing Board adopted, amended or rescinded them. At the first meeting of both the AVAPCD and the AVAQMD, the respective Governing Boards reaffirmed all the rules and regulations in effect at the time the agency changed.

The jurisdiction of the AVAPCD and the AVAQMD were specified in the statutes as the portion of the Los Angeles County contained within the MDAB. The MDAB was formerly known as the Southeast Desert Air Basin (SEDAB). In 1997 the SEDAB was split into the MDAB and the Salton Sea Air Basin. Descriptions of these air basins can be found in 17 Cal. Code Regs. §§60109 and 60144. Since USEPA adopts SIP revisions in California as effective within jurisdictional boundaries of local air districts, when the local air district boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Thus, upon creation of the AVAPCD on July 1, 1997 the AVAPCD acquired the SIP applicable to the Antelope Valley portion of the SCAQMD that was effective as of June 30, 1997. Likewise the AVAQMD acquired the SIP that was effective in the jurisdiction of the AVAPCD as of December 31, 2000. Therefore, the SIP history for this region is based upon the rules adopted, effective, and approved for the Antelope Valley by SCAQMD.

Rule 219 was originally adopted on January 9, 1976 by the So. Cal. APCD. The rule was submitted and approved into the SIP on November 9, 1978 43 FR 52237 (40 CFR 52.220(c)(31)(vi)(C)). The September 4, 1981 SCAQMD amendment was also approved into the SIP on July 6, 1982 47 FR 29231, and this is the version that currently shows as the SIP approved version for the AVAQMD.

As mentioned previously SCAQMD amended Rule 219 on numerous occasions and a variety of them were submitted for inclusion into the SIP for SCAQMD including the Antelope Valley area. The last amendment prior to the creation of

the AVAPCD occurred on December 13, 1996 and the AVAQMD assumes no action has been taken on that version relative to the Antelope Valley area. The AVAPCD and the AVAQMD thereafter amended Rule 219 on March 17, 1998, July 21, 1998, January 16, 2001 and November 15, 2005. The July 21, 1998 version was submitted in conjunction with the Title V Program and approved at 69 FR 2511 (01/19/04). Thus, the July 21, 1998 version is fully federally enforceable for purposes of citation and enforcement. AVAQMD amended rule 219 on January 18, 2011 and submitted the rule for inclusion in the SIP. USEPA has not taken approval action and has directed the AVAQMD to provide further amendment pursuant to CARB clarification of SB 700. The current SIP version in effect for the Antelope Valley recognized by USEPA is the September 4, 1981 version.

## 2. SIP Analysis.

The District will request CARB to submit amended Rule 219 to replace the current SIP version in effect. Since there is a previously existing SIP rule for this category the District will request that it be superseded. In order to replace existing SIP rules the District is required to show that the proposed amendments are not less stringent than the provisions currently in the SIP.

The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* addresses USEPA comments regarding the prior amendment of 01/18/2011 by incorporating a more detailed CARB interpretation of SB 700 provisions.

This proposed amendment will also update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment. The proposed amendment removes a blanket exemption for welding and may require a small number of facilities to obtain permits that were previously exempted, which is a strengthening of the rule. The remaining proposed amendments have negligible emissions and may actually encourage use of lower VOC materials. These amendments are not a back-off of existing requirements and the proposed amendments to Rule 219 should be approved as a SIP revision.

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## **Appendix “A”**

### **Rule 219 – *Equipment Not Requiring a Permit* Iterated Version**

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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(Adopted: 01/09/76; Amended: 10/08/76; Amended: 01/02/79;  
Amended: 10/05/79; Amended: 09/04/81; Amended: 06/08/88;  
Amended: 09/11/92; Amended: 08/12/94; Amended: 12/13/96;  
Amended: 03/17/98; Amended: 07/21/98; Amended: 01/16/01;  
Amended: 11/15/05; Amended: 01/18/11; Amended:  
mm/dd/yy)

## RULE 219

### Equipment Not Requiring a Permit

#### (A) Purpose

- (1) The purpose of this rule is:
  - (a) To describe equipment that does not require a permit pursuant to Regulation II; and
  - (b) To describe equipment which does not need to be listed on an application for a Federal Operating Permit (FOP) or on a FOP issued pursuant to Regulation XXX.

#### (B) General Provisions

- (1) The Air Pollution Control Officer (APCO) shall not require an owner/operator to obtain a permit for particular equipment pursuant to Regulation II if:
  - (a) Such equipment is described in the list of particular equipment in section (E) below; and
  - (b) The owner/operator has not been required to obtain a written permit or registration by the APCO pursuant to subsection (B)(4) below.
- (2) The APCO shall not require an owner/operator to list particular equipment on an application for a FOP or require the listing of such equipment within a FOP issued pursuant to Regulation XXX if:
  - (a) Such equipment is described in the list of particular equipment in section (E) below; and
  - (b) Such equipment emits Air Pollutants, in an amount less than the threshold levels set forth in subsection (D)(1) below; and
  - (c) Such equipment is not subject to an Applicable Requirement and information regarding such equipment is not required to determine the applicability of an Applicable Requirement; and
  - (d) Such equipment is not included in section (E) below solely due to size or production rate.

- (3) The APCO shall not require an owner/operator of an Agricultural Facility to obtain a permit for equipment located at such a Facility which would otherwise be subject to permit pursuant to District Rules 201 and 203 if:
- (a) The Agricultural Facility emits Air Contaminants in an amount less than the threshold levels listed in subsection (D)(2)(b); and
  - (b) The Agricultural Facility is: a Confined Animal Facility eligible for exclusion under subsection (D)(2)(a) or, is otherwise eligible for exclusion under subsection (D)(2)(b); and
  - (c) The Agricultural Facility is not otherwise a Major Facility; and
  - (d) The particular equipment potentially exempt under this subsection is not otherwise subject to regulation pursuant to the Federal Clean Air Act (“FCAA”, 42 U.S.C. Sec. 7401 et. seq.).
- (4) Notwithstanding subsections (B)(1), (B)(2), and (B)(3) above, the APCO may require a written permit or registration for equipment listed in section (E) below, making the equipment thereafter subject to Rule 201 and Rule 203, if:
- (a) Written notification is given to the equipment owner or operator; and
  - (b) The APCO determines that:
    - (i) The equipment, process material or Air Contaminant is subject to District Regulation IX, or X, or District Rule 1401; or
    - (ii) The process, article, machine, equipment, other contrivance, process material or Air Contaminant is subject to the emission limitation requirements of the state Air Toxic Control Measure (ATCM), New Source Performance Standards (NSPS) National Emission Standards For Hazardous Air Pollutants (NESHAP), Maximum Available Control Technology (MACT) or any source specific prohibitory rule; or
    - (iii) The process, article, machine, equipment, or other contrivance emits, in quantities determined to be appropriate for review by the APCO, substances identified as Toxic Air Contaminants or which are under review as candidate Toxic Air Contaminants by the California Air Resources Board, or United States Environmental Protection Agency (USEPA); or
    - (iv) The equipment may not operate in compliance with all applicable District Rules and Regulations.
- (5) Nothing in this rule shall be interpreted to exempt the emissions from such equipment from being considered in any emissions calculations required pursuant to Regulation XIII, Regulation XIV and/or Regulation XXX unless such emissions are specifically exempted by the terms of those Regulations.

- (6) The burden of proof regarding the applicability of this rule to particular equipment shall be upon the owner/operator of such equipment.

## (C) Definitions

For the purposes of this Rule the definitions contained in Rule 1301 and 3001 shall apply unless otherwise defined herein.

- (1) “Agricultural Facility” – Any equipment or group of equipment potentially subject to District Rules 201 and 203 used in an Agricultural Operation -and which are located on contiguous property under common ownership or control.
- (2) “Agricultural Operation” – The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (3) “Confined Animal Facility” – A facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by a means other than grazing for at least ~~forty-five (45)~~ days in any ~~twelve (12)~~ month period.

## (D) Threshold Criteria

### (1) Threshold Criteria for Exclusion from Federal Operating Permit

- (a) To be eligible for exclusion from a FOP pursuant to subsection (B)(2) above, any equipment proposed to be excluded shall not emit Air Pollutants in an amount greater than:
  - (i) ~~Ten (10)~~ percent -of the applicable threshold for determination of a Major Facility pursuant to District Rule 3001(S); or two (2) tons per year of any Regulated Air Pollutant whichever amount is less; or
  - (ii) Any de minimis level for a Hazardous Air Pollutant promulgated pursuant to 42 U.S.C. §7412(g) (Federal Clean Air Act §112(g)), any significance level defined in 40 CFR 52.21(b)(23)(i), or 0.5 ton per year of such Hazardous Air Pollutant, whichever is less.

### (2) Threshold Criteria for Agricultural Facilities

- (a) To be eligible for exclusion from permitting requirements pursuant to subsection (B)(3)(b) a Confined Animal Facility must have, at all times, less than the following numbers of animals:
  - (i) 1,000 milk-producing dairy cows;

- (ii) 3,500 beef cattle;
- (iii) 7,500 calves, heifers or other cattle;
- (iv) 650,000 chickens other than laying hens;
- (v) 650,000 laying hens;
- (vi) 650,000 ducks;
- (vii) 100,000 turkeys;
- (viii) 3,000 swine;
- (ix) 2,500 horses;
- (x) 15,000 sheep, lambs, or goats; or
- (xi) 30,000 rabbits or other animals.

- (b) To be eligible for exclusion from permitting requirements pursuant to subsection (B)(3)(a), an Agricultural Facility must, in aggregate, produce actual ~~emit~~ emissions less than ~~any of the following~~: one half (1/2) of the major source thresholds. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining aggregate emissions. [Derived from SJVUAPCD Rule 2020 § 6.20 pursuant to USEPA direction of 01/22/16.]

- ~~(i) Fifty (50) tons per year of any Regulated Air Pollutant other than those listed in subsection (ii) and (iii) below;~~
- ~~(ii) 12.5 tons per year for Nitrogen Oxides (NO<sub>x</sub>) or VOC;~~
- ~~(iii) Five (5) tons per year of any single Hazardous Air Pollutant, 12.5 tons per year of any combination of Hazardous Air Pollutants or one half (1/2) the amount of any such lesser quantity of a single Hazardous Air Pollutant that USEPA should establish by rule.~~

## (E) Specific Equipment Not Requiring a Permit

### (1) Mobile Equipment

- (a) Equipment defined as follows:

- (i) Motor vehicle or vehicle as defined by the California Vehicle Code §415; or
- (ii) Marine vessel as defined by Health and Safety Code Section 39037.1; or
- (iii) A motor vehicle or a marine vessel that uses one internal combustion engine to propel the motor vehicle or marine vessel and also operate other equipment mounted on the motor vehicle or marine vessel; or
- (iv) Equipment which is mounted on a vehicle, motor vehicle or marine vessel if such equipment does not emit Air Contaminants.

- (b) This subsection does not apply to equipment which emits Air Contaminants and which is mounted and operated on a motor vehicle,

marine vessel, mobile hazardous material treatment systems, mobile day tankers except those carrying solely fuel oil, and pavement heating machines.

(2) Combustion and Heat Transfer Equipment

- (a) Piston type internal combustion engines with a manufacturer's rating of ~~fifty (50)~~ brake horsepower (bhp) or less, or gas turbine engines with a maximum heat input rate of 2,975,000 Btu per hour or less.
- (b) Boilers, process heaters or any combustion equipment that has a maximum heat input rate of 2,000,000 Btu per hour (gross) or less and is equipped to be heated exclusively with, natural gas, methanol, liquefied petroleum gas or any combination thereof that does not include piston type internal combustion engines.
- (c) Fuel cells which use phosphoric acid, molten carbonate, proton exchange membrane or solid oxide technologies.
- (d) Test cells and test stands used for testing internal combustion engines provided that the internal combustion engines use less than ~~3,000 liters~~ (~~800 gallons~~) of diesel fuel or ~~13,000 liters~~ (~~3,500 gallons~~) of gasoline fuel per year, or use other fuels with equivalent or less emissions.
- (e) Internal combustion engines used exclusively for training at educational institutions.
- (f) Portable internal combustion engines, including any turbines, qualified as military tactical support equipment, registered pursuant to the California Statewide Portable Engine Registration Program.

(3) Structures and Equipment - General

- (a) Structural changes which cannot change the quality, nature or quantity of Air Contaminant emissions.
- (b) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- (c) Identical replacement in whole or in part of any equipment where a permit to operate had previously been granted for such equipment under District Rule 203, except seals for external or internal floating roof storage tanks.
- (d) Replacement of floating roof tank seals provided that the replacement seal is of a type and model which the APCO has determined is capable of complying with the requirements of District Rule 463.

- (e) Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four (4) families, and where such equipment is used by the owner or occupant of such a dwelling.
  - (f) Laboratory testing equipment, and quality control testing equipment used exclusively for chemical and physical analysis, and non-production bench scale research equipment. Laboratory testing equipment does not include engine test stands or test cells unless such equipment is also exempt pursuant to subsection (E)(2)(d).
  - (g) Vacuum-producing devices used in laboratory operations or in connection with other equipment not requiring a written permit.
  - (h) Vacuum-cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
  - (i) Hoods, stacks or ventilators.
  - (j) Passive and intermittently operated active venting systems used at and around residential structures to prevent the accumulation of naturally occurring methane and associated gases in enclosed spaces.
- (4) Utility Equipment - General
- (a) Comfort air conditioning or ventilating systems which are not designed or used to remove Air Contaminants generated by, or released from, specific equipment units, provided such systems are exempt pursuant to subsection (E)(2)(b).
  - (b) Refrigeration units except those used as or in conjunction with air pollution control equipment.
  - (c) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.
  - (d) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.
  - (e) Equipment used exclusively for steam cleaning provided such equipment is also exempt pursuant to subsection (E)(2)(b).



- (f) Equipment used exclusively for space heating provided such equipment is exempt pursuant to subsection (E)(2)(b).
  - (g) Equipment used exclusively to compress or hold purchased quality natural gas, except internal combustion engines not exempted pursuant to subsection (E)(2)(a).
  - (h) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.
  - (i) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.
  - (j) Refrigerant recovery and/or recycling units. This exemption does not include refrigerant reclaiming facilities.
  - (k) Carbon arc lighting equipment, provided such equipment is exempt pursuant to subsection (E)(2)(a).
  - (l) Passive carbon adsorbers using no mechanical ventilation with a volume of ~~fifty-five~~(55) gallons or less, used exclusively for foul air odor control from sanitary sewer systems such as sanitary sewer lines, manholes and pump stations.
- (5) Glass, Ceramic, Metallurgical Processing and Fabrication Equipment
- (a) Crucible-type or pot-type furnaces with a brimful capacity of less than ~~7400 cubic centimeters~~(452 cubic inches) of any molten metal.
  - (b) Crucible furnaces, pot furnaces or induction furnaces with a capacity of ~~450 kilograms~~(992 pounds) or less each, where no sweating or distilling is conducted, provided such equipment is exempt pursuant to subsection (E)(2)(b), and where only the following materials are poured or held in a molten state (provided the materials do not contain alloying elements of arsenic, beryllium, cadmium, chromium and/or lead):
    - (i) Aluminum or any alloy containing over ~~fifty~~(50) percent aluminum;
    - (ii) Magnesium or any alloy containing over ~~fifty~~(50) percent magnesium;
    - (iii) Tin or any alloy containing over ~~fifty~~(50) percent tin;
    - (iv) Zinc or any alloy containing over ~~fifty~~(50) percent zinc;
    - (v) Copper, or any alloy containing over ~~fifty~~(50) percent copper;
    - (vi) Precious metals; and
    - (vii) Glass.
  - (c) Molds used for the casting of metals.

- (d) Inspection equipment used exclusively for metal, plastic, glass, or ceramic products and control equipment venting exclusively such equipment.
- (e) Ovens used exclusively for curing potting materials or castings made with epoxy resins, provided such ovens are exempt pursuant to subsection (E)(2)(b).
- (f) Hand-held or automatic brazing and soldering equipment, and control equipment that exclusively vents such equipment, provided that the equipment uses one (1) quart per day or less of material containing Volatile Organic Compounds (VOC). This exemption does not include hot oil, hot air, or vapor phase solder leveling equipment and related control equipment.
- (g) Brazing ovens where no materials containing VOC (except flux) are present, provided such ovens are exempt pursuant to subsection (E)(2)(b).
- (h) Welding equipment, ~~or~~ oxygen gaseous fuel-cutting equipment and control equipment venting such equipment. This exemption does not include facilities primarily engaged in the activities listed in 40 CFR 63.11514 using plasma arc-cutting equipment or laser cutting equipment that is used to cut stainless steel or alloys containing cadmium, chromium, lead, manganese or nickel or laser cutters that are rated thirty (30) kW 400 watts or more. [Derived from SCAQMD (e)(8) and 40 CFR Part 63 National Emissions Standards for HAPs: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.]
- (i) Sintering equipment used exclusively for the sintering of metal (excluding lead) or glass where no coke or limestone is used, and control equipment exclusively venting such equipment, provided such equipment is exempt pursuant to subsection (E)(2)(b).
- (j) Mold forming equipment for foundry sand to which no heat is applied, and where no VOC materials are used in the process, and control equipment exclusively venting such equipment.
- (k) Forming equipment used exclusively for forging, rolling, or drawing of metals provided that any lubricants used have ~~fifty (50)~~ grams per liter VOC or less, or a VOC composite partial pressure of ~~twenty (20) mm Hg~~ 0.4 psi or less at ~~twenty (20) degrees Celsius (sixty eight (68) degrees Fahrenheit)~~, or equipment used for heating metals prior to forging, pressing, rolling or drawing, provided such heaters are exempt pursuant to subsection (E)(2)(b).
- (l) Heat treatment equipment used exclusively for heat treating glass or metals (provided no VOC materials are present), or equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects, provided any

combustion equipment involved is exempt pursuant to subsection (E)(2)(b).

- (m) Ladles used in pouring molten metals.
  - (n) Tumblers used for the cleaning or de-burring of solid materials.
  - (o) Die casting machines, except those used for copper base alloys, those with an integral furnace having a brimful capacity of more than ~~450 kilograms~~ (~~992 pounds~~), or those using a furnace not exempt pursuant to subsection (E)(2)(b).
  - (p) Furnaces or ovens used for the curing or drying of porcelain enameling, or vitreous enameling provided such furnaces or ovens are exempt pursuant to subsection (E)(2)(b).
  - (q) Wax burnout kilns where the total internal volume is less than ~~0.2 cubic meter~~ (~~seven (7) cubic feet~~) or kilns used exclusively for firing ceramic ware, provided such kilns are exempt pursuant to subsection (E)(2)(b).
  - (r) Shell-core and shell-mold manufacturing machines.
  - (s) Furnaces used exclusively for melting titanium materials in a closed evacuated chamber where no sweating or distilling is conducted, provided such furnaces are exempt pursuant to subsection (E)(2)(b).
  - (t) Vacuum metalizing chambers which are electrically heated or heated with equipment that is exempt pursuant to subsection (E)(2)(b), and control equipment exclusively venting such equipment, provided the control equipment is equipped with a mist eliminator or the vacuum pump used with control equipment demonstrates operation with no visible emissions from the vacuum exhaust.
- (6) Abrasive Blasting Equipment
- (a) Blast cleaning cabinets in which a suspension of abrasive in water is used and control equipment exclusively venting such equipment.
  - (b) Glove-box type abrasive blast cabinet, vented to a dust-filter where the total internal volume of the blast section is ~~1.5 cubic meters~~ (~~fifty-three~~ ~~(53)~~ cubic feet) or less, and any dust filter exclusively venting such equipment.
  - (c) Enclosed equipment used exclusively for shot blast removal of flashing from rubber and plastics at sub-zero temperatures and control equipment exclusively venting such equipment.

- (d) Shot peening operations, provided no surface material is removed, and control equipment exclusively venting such equipment.
- (e) Portable sand/water blaster equipment and associated piston type internal combustion ~~engine, engine~~ provided the water content in the mixture is maintained at or above ~~sixty-six (66)~~ percent by volume during operation of such equipment. ~~Piston type i~~Internal combustion engines must be exempt pursuant to subsection (E)(2)(a).

(7) Machining Equipment

- (a) Equipment used exclusively for buffing (except tire buffers), polishing, carving, mechanical cutting, drilling, machining, pressing, routing, sanding, surface grinding or turning provided that any lubricants used have ~~fifty (50)~~ grams per liter VOC or less, or a VOC composite partial pressure of ~~twenty (20) mm Hg~~0.4 psi or less at ~~twenty (20) degrees Celsius (sixty-eight (68°F) degrees Fahrenheit)~~, and control equipment exclusively venting such equipment. This exemption does not include asphalt pavement grinders.
- (b) Equipment used exclusively for shredding of wood, or the extruding, handling, or storage of wood chips, sawdust, or wood shavings and control equipment exclusively venting such equipment. This exemption does not include piston type internal combustion engines over ~~fifty (50) brake horse power~~bhp which are used to supply power to such equipment.
- (c) Equipment used exclusively to mill or grind coatings or molding compounds where all materials charged are in the paste form.

(8) Printing and Reproduction Equipment

- (a) Printing and related coating and/or laminating equipment and associated dryers not emitting more than ~~1.4 kilograms (three (3) pounds)~~ of VOC emissions per day, or not using more than ~~twenty-three (23) liters (six (6) gallons)~~ per day of ultraviolet, electron beam, or plastisols type, including cleanup solvent, or ~~eight (8) liters (two (2) gallons)~~ per day of any other graphic arts materials provided such dryers are exempt pursuant to subsection (E)(2)(b). Graphic arts materials are any inks, coatings, adhesives, fountain solutions (excluding water), thinners (excluding water), retarders, or cleaning solutions (excluding water), used in printing or related coating or laminating processes.
- (b) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy and control equipment exclusively venting such equipment.
- (c) Lithographic printing equipment which uses laser printing.

- (d) Printing equipment used exclusively for training and non-production at educational institutions.
  - (e) Flexographic plate-making and associated processing equipment.
  - (f) Corona treating equipment and associated air pollution control equipment used for surface treatment in printing, laminating and coating operations.
  - (g) Hand application of materials used in printing operations including but not limited to the use of squeegees, screens, stamps, stencils and any hand tools.
- (9) Food Processing and Preparation Equipment
- (a) Smokehouses for preparing food in which the maximum horizontal inside cross-sectional area does not exceed ~~two (2) square meters~~ (21.5 square feet).
  - (b) Smokehouses exclusively using liquid smoke, and which are completely enclosed with no vents to either a control device or the atmosphere.
  - (c) Confection cookers where products are edible and intended for human consumption.
  - (d) Grinding, blending or packaging equipment used exclusively for tea, cocoa, roasted coffee, flavor, fragrance extraction, dried flowers, or spices, and control equipment exclusively venting such equipment.
  - (e) Equipment used in eating establishments for the purpose of preparing food for human consumption, excluding commercial direct-fired chain-driven charbroilers (regardless of the Btu rating). Direct-fired charbroilers include but are not limited to, gas, electric, wood, or charcoal-fired.
  - (f) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes or drink mixes where products are edible and intended for human consumption and control equipment exclusively venting such equipment. This exemption does not include storage bins located outside buildings, or equipment not exempt pursuant to subsection (E)(2)(b).
  - (g) Cooking kettles where all of the product in the kettle is edible and intended for human consumption. This exemption does not include deep frying equipment used in facilities other than eating establishments.
  - (h) Coffee roasting equipment with a maximum capacity of ~~4.5 kilograms (ten (10) pounds)~~ or less.
- (10) Plastics, Composite and Rubber Processing Equipment

- (a) Presses or molds used for curing, post curing or forming rubber products, composite products and plastic products where no VOC or chlorinated blowing agent is present, and control equipment exclusively venting these presses or molds.
- (b) Presses or molds with a ram diameter of less than or equal to ~~twenty-six~~ (26) inches used for curing or forming rubber products and composite rubber products excluding those operating above 400°F ~~degrees Fahrenheit~~.
- (c) Ovens used exclusively for the forming of plastics or composite products, which are concurrently being vacuum held to a mold, and where no foam forming or expanding process is involved, provided such equipment is exempt pursuant to subsection (E)(2)(b).
- (d) Equipment used exclusively for softening or annealing plastics, provided such equipment is exempt pursuant to subsection (E)(2)(b).
- (e) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap, except equipment used to extrude or to pelletize acrylics, polyvinyl chloride, polystyrene, and their copolymers.
- (f) Injection or blow molding equipment for rubber or plastics where no blowing agent other than compressed air, water or carbon dioxide is used, and control equipment exclusively venting such equipment.
- (g) Mixers, roll mills and calendars for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
- (h) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, provided such ovens are exempt pursuant to subsection (E)(2)(b).
- (i) Equipment used exclusively for conveying and storing plastic materials, provided they are not in powder form.
- (j) Hot wire cutting of expanded polystyrene foam and woven polyester film.
- (k) Photocurable stereolithography equipment.
- (k) Laser sintering equipment used exclusively for the sintering of nylon or plastic powders and control equipment exclusively venting such equipment, providing such equipment is exempt pursuant to subsection (E)(2)(b).

- (l) Roller to roller coating systems that create three-dimensional images provided:
- (i) The VOC emissions from such equipment (including cleanup) are three (3) pounds per day ~~or less or~~ not to exceed sixty-six (66) pounds per calendar month ~~or less~~; or
  - (ii) The coatings contain ~~twenty-five (25)~~ grams or less of VOC per liter of material provided that the coating used on such equipment is ~~twelve (12)~~ gallons per day or less, not to exceed ~~or~~ 264 gallons per calendar month ~~or less~~; or
  - (iii) The coatings contain ~~fifty (50)~~ grams or less of VOC per liter of material, and ~~using~~ exclusively using cleanup solvents containing ~~twenty-five (25)~~ grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one (1) ton per calendar year.

The owner/operator shall provide applicable information to the District, in a format determined by the APCO, which provides a description of the materials, sufficient data as necessary to estimate emissions from the source, and to determine compliance with applicable rules and regulations. VOC emissions shall be determined using test methods approved by the District, CARB and USEPA. In the absence of approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

(11) Mixing and Blending Equipment

- (a) Batch mixers which have a brimful capacity of ~~208 liters or less fifty-five (55) gallons or 7.35 cubic feet~~ or less.
- (b) Equipment used exclusively for mixing and blending of materials where no ~~organic~~ VOC containing -solvents are used and no materials in powder form are added. [derived from SCAQMD Rule 219 §(k)(2) at the request of industry]
- (c) Equipment used exclusively for mixing and blending of materials to make water emulsions of asphalt, grease, oils or waxes where no materials in powder or fiber form are added.
- (d) Equipment used to blend, grind, mix, or thin liquids to which powders may be added, with a capacity of ~~950 liters (251 gallons)~~ or less, where no supplemental heat is added and no ingredient charged (excluding water) exceeds ~~57-degrees-Celsius (135-degrees-Fahrenheit)~~.
- (e) Concrete mixers, with a rated working capacity of one (1) cubic yard or less.

(12) Miscellaneous Process Equipment



- (a) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents or thinners are used, provided such equipment is also exempt pursuant to subsection (E)(2)(b).
- (b) Equipment used exclusively for bonding lining to brake shoes, where no organic solvents are used and control equipment exclusively venting such equipment.
- (c) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the rare gases from air, provided that equipment is exempt pursuant to subsections (E)(2)(a) or (E)(2)(b).
- (d) Equipment used exclusively for surface preparation, cleaning, passivation, deoxidation, and/or stripping which uses water based cleaners containing two (2) percent or less of VOC by volume (~~twenty (20)~~ grams per liter or less), or containing formic acid, acetic acid, phosphoric acid, sulfuric acid, hydrochloric acid (~~twelve (12)~~ percent or less by weight), alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide and/or water. This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, or the stripping of chromium, except sulfuric acid anodizing with a bath concentration of ~~twenty (20)~~ percent or less by weight of sulfuric acid and using 10,000 amp-hours per day or less of electricity.
- (e) Equipment used exclusively for the plating, stripping, or anodizing of metals as described below:
  - (i) Electrolytic plating of exclusively brass, bronze, copper, iron, tin, lead, zinc, and precious metals, providing no chromic, hydrochloric or sulfuric acid is used;
  - (ii) Electroless nickel plating, provided that the process is not air-sparged and no electrolytic reverse plating occurs;
  - (iii) The electrolytic stripping of brass, bronze, copper, iron, tin, zinc, and precious metals, provided no chromic, hydrochloric, nitric or sulfuric acid is used;
  - (iv) The non-electrolytic stripping of metals, providing the stripping solution is not sparged and does not contain nitric acid;
  - (v) Anodizing using exclusively sulfuric acid and/or boric acid with a total bath concentration of ~~twenty (20)~~ percent acids or less by weight and using 10,000 amp-hours per day or less of electricity;
  - (vi) Anodizing using exclusively phosphoric acid with a bath concentration of ~~fifteen (15)~~ percent or less phosphoric acid by weight and using 20,000 amp-hours per day or less of electricity; or



- (vii) Water and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from equipment used for the plating, stripping or anodizing of metals.
- (f) Equipment used exclusively for the packaging of lubricants or greases.
- (g) Equipment used exclusively for tableting vitamins, herbs, dietary supplements, or pharmaceuticals, packaging vitamins, herbs, dietary supplements, or pharmaceuticals and cosmetics, or coating vitamins, herbs, dietary supplements or pharmaceutical tablets, provided no organic solvents are used, and control equipment used exclusively to vent such equipment.
- (h) Equipment used exclusively for coating objects with oils, melted waxes or greases which contain no organic solvents, diluents or thinners.
- (i) Equipment used exclusively for coating objects by dipping in waxes or natural and synthetic resins which contain no organic solvents, diluents or thinners.
- (j) Unheated, non-conveyorized, cleaning or coating equipment:
  - (i) With an open surface area of ~~one (1) square meter~~ (10.8 square feet) or less and an internal volume of ~~350 liters~~ (92.5 gallons) or less, having an organic solvent loss of ~~eleven (11) liters~~ (three (3) gallons) per day or less; or
  - (ii) Using only organic solvents with an initial boiling point of ~~150 degrees Celsius~~ (302 degrees Fahrenheit) or greater; or
  - (iii) Using materials with a VOC content of two (2) percent (~~twenty~~ (20) grams per liter) or less by volume.

This exemption does not include equipment with a capacity of more than ~~7.6 liters~~ (two (2) gallons), which was designed as a solvent cleaning and drying machine, using solvents that are greater than five (5) percent by weight of perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof.

- (k) Batch ovens with ~~1.5 cubic meters~~ (fifty three (53) cubic feet) or less internal volume where no melting occurs, provided such equipment is exempt pursuant to subsection (E)(2)(b). This exemption does not include ovens used to cure vinyl plastisols or debond brake shoes.
- (l) Batch ovens used exclusively to cure ~~fourteen (14) kilograms~~ (thirty (30) pounds) per day or less of powder coatings, provided that such equipment is exempt pursuant to subsection (E)(2)(b).

- (m) Equipment used exclusively for the washing and subsequent drying of materials and air pollution control equipment exclusively venting such equipment, provided that no VOC are emitted and the equipment is exempt pursuant to subsection (E)(2)(b).
- (n) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying or chemical reactions occur.
- (o) Spray coating equipment operated within control enclosures.
- (p) Coating, ~~or~~ adhesive application ~~equipment~~, or laminating equipment ~~operated outside control enclosures~~ such as air, airless, air-assisted airless, high volume low pressure (HVLV), and electrostatic spray equipment, and roller coaters, dip coaters, vacuum coaters and flow coaters and spray machines associated drying equipment which must be exempt pursuant to subsection (E)(2)(b), provided that: *[drying equipment exemption stated in (E)(12)(z)]*
  - (i) The VOC emissions from such equipment (including clean-up) ~~are is only 1.4 kilograms~~ (three (3) pounds) per day or less; or
  - (ii) The total ~~amount~~ quantity of UV or electron beam (non-solvent based and non-waterborne) coatings, adhesives and ~~or, organic associated VOC containing solvents~~ (including cleanup) used in such equipment ~~is are twenty-three (23) liters~~ (six (6) gallons) per day or less, ~~of ultraviolet (UV) or electron beam type~~; or
  - (iii) The total ~~amount~~ quantity of solvent type coating and/or adhesive used is ~~four (4) liters~~ (one (1) gallon) per day or less, including cleanup solvent; or
  - (iv) The total ~~amount~~ quantity of water reducible or water based type coating and ~~or~~ adhesives and associated VOC containing solvents (including clean-up) used is eleven (11) liters (three (3) gallons) per day or less, ~~including cleanup solvent and excluding water used as a reducer or for cleanup~~; or
  - (v) The total ~~amount~~ quantity of polyester resin or gel coat type material and associated VOC containing solvents (including clean-up) used is four (4) liters (one (1) gallon) per day or less, ~~including cleanup solvent~~. *[change in description to add consistency with neighboring districts]*
- (q) Spray coating and associated drying equipment and control enclosures used exclusively for educational purposes in educational institutions.
- (r) Control enclosures with an internal volume of ~~0.2 cubic meter~~ (eight (8) cubic feet) or less, provided that aerosol cans, air brushes, or hand work are used exclusively.

- (s) Portable coating equipment and pavement stripers used exclusively for the application of architectural coatings according to District Rule 1113, and associated internal combustion engines provided such equipment is exempt pursuant to section (B) or subsection (E)(2)(b).
- (t) Inert gas generators, except equipment not exempt pursuant to subsection (E)(2)(b).
- (u) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment.
- (v) Heated degreasers with a liquid/vapor interface surface area of ~~0.09-square meter~~ (one (1) square foot) or less, or using aqueous cleaning materials with a VOC content of two (2) percent (~~twenty~~(20) grams per liter) or less by volume provided such degreasers have an organic solvent loss of ~~eleven~~(11) liters (three (3) gallons) per day or less. This exemption does not include heated degreasers with a capacity of more than ~~7.6 liters~~(two (2) gallons) using solvents that are greater than five (5) percent by weight of perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof.
- (w) Paper shredding and associated conveying systems, baling equipment, and control equipment venting such equipment.
- (x) Chemical vapor type sterilization equipment where no Ethylene Oxide is used, and with a chamber volume of ~~0.06-cubic-meter~~(two (2) cubic feet) or less used by healthcare facilities.
- (y) Hand application of resins, adhesives, dyes-, ~~and~~ coatings and solvents using devices such as brushes, daubers, rollers ~~and~~ trowels, lags, swabs and squeeze bottles. *[Derived from SCAQMD Rule 219 §(o)(4) pursuant to comment from industry.]*
- (z) Drying equipment such as flash-off ovens, drying ovens, or curing ovens associated with coating or adhesive application or laminating equipment provided the drying equipment is exempt pursuant to paragraph (E)(2)(b), and provided that:
  - (i) The total quantity of VOC emissions from all coating and/or adhesive application, and laminating equipment that the drying equipment serves is three (3) pounds per day or less or not to exceed sixty-six (~~66~~) pounds per calendar month ~~or less~~; or
  - (ii) The total quantity of UV or electron beam (non-solvent based and non-waterborne) coatings and adhesives, and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying

- equipment serves is six (6) gallons per day or less or not to exceed 132 gallons per calendar month ~~or less~~; or
- (iii) The total quantity of solvent based coatings and adhesives and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying equipment serves is one (1) gallon per day or less or not to exceed ~~twenty-two (22)~~ gallons per calendar month ~~or less~~; or
- (iv) The total quantity of water reducible or waterborne coating and adhesives and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying equipment serves is three (3) gallons per day or less or not to exceed ~~sixty-six~~ 66 gallons per calendar month ~~or less~~; or
- (v) The total quantity of polyester resin and gel coat type materials and associated VOC containing solvents (including clean-up) used in all coating, adhesive application, and laminating equipment that the drying equipment serves is one (1) gallon per day or less or not to exceed ~~twenty-two (22)~~ gallons per calendar month ~~or less~~; or
- (vi) All coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (excluding cleanup solvents) contain ~~fifty (50)~~ grams or less of VOC per liter of material and all cleanup solvents contain ~~twenty-five (25)~~ grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one (1) ton per calendar year.

The owner/operator shall provide applicable information to the District, in a format determined by the APCO, which provides a description of the materials, sufficient data as necessary to estimate emissions from the source, and to determine compliance with applicable rules and regulations.

If combination of the coatings, adhesives and polyester resin and gel coat type materials identified in (ii), (iii), (iv) and/or (v) are used in any equipment, this exemption is only applicable if the operations meet the criteria specified in (i) or (vi), or the total usage of coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (including cleanup) meets the most stringent applicable limit in (ii), (iii), (iv) or (v). For exemptions based on usage, solvent based UV and waterborne UV materials are subject to the usage limits in (iii) and (iv), respectively. VOC emissions shall be determined using test methods approved by the District, CARB and USEPA. In the absence of approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

- (aa) Hot melt adhesive equipment.

- (bb) Pyrotechnical equipment, especial effects or fireworks paraphernalia equipment used for entertainment purposes, provided such equipment is exempt pursuant to subsection (E)(2).
- (cc) Ammunition or explosive testing equipment.
- (dd) Fire extinguishing equipment using halons.
- (ee) Industrial wastewater treatment equipment which only does pH adjustment, precipitation, gravity separation and/or filtration of the wastewater, including equipment used for reducing hexavalent chromium and/or destroying cyanide compounds. This exemption does not include treatment processes where VOC and/or toxic materials are emitted, or where the inlet concentration of cyanide salts through the wastewater treatment process prior to pH adjustment exceeds 200 milligrams per liter.
- (ff) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.
- (gg) Foam packaging equipment using ~~seventy-six (76) liters (twenty (20) gallons)~~ per day or less of liquid foam material.
- (hh) Foam application equipment using two (2) component polyurethane foam where no VOC containing blowing agent is used, excluding chlorofluorocarbons or methylene chloride, and control equipment exclusively venting this equipment.
- (ii) Rental equipment operated by a lessee and which is not located more than ~~twelve (12)~~ consecutive months at any one (1) facility in the District provided that the owner of the equipment has a permit to operate issued by the District and that the lessee complies with the terms and conditions of the permit to operate.
- (jj) Industrial wastewater evaporators treating water generated from on-site processes only, where no VOC and/or toxic materials are emitted and provided that the equipment is exempt pursuant to subsection (E)(2)(b).
- (kk) High efficiency particulate air (HEPA) filtration equipment and negative air machines used in asbestos demolition and/or renovation activities regulated pursuant to District Rule 1403 – *Asbestos Emissions From Demolition/Renovation Activities*.
- (ll) Closed loop solvent recovery systems used for the recovery of waste solvent generated on-site using refrigerated or liquid cooled condenser, or air-cooled (where the solvent reservoir capacity is less than ~~ten (10)~~ gallons) condenser.
- (mm) Toner refilling and associated control equipment.

(nn) Evaporator used at dry cleaning facilities to dispose of separator wastewater and control equipment exclusively venting the equipment.

(oo) Cleaning equipment using materials with a VOC content of 25 grams of VOC per liter of material or less, and associated dryers exclusively serving these cleaners, provided such equipment is also exempt pursuant to (E)(2)(b). [Derived from SCAQMD Rule 219 §(o)(3) pursuant from request from industry]

(13) Storage and Transfer Equipment

(a) Equipment used exclusively for the storage and transfer of fresh, commercial or purer grades of:

- (i) Sulfuric acid or phosphoric acid with an acid strength of ~~ninety-nine~~ (99) percent or less ~~(weight by weight)~~.
- (ii) Nitric acid with an acid strength of ~~seventy~~ (70) percent or less ~~(weight by weight)~~.
- (iii) Water based solutions of salts or sodium hydroxide.

(b) Equipment used exclusively for the storage and/or transfer of liquefied gases, not including LPG storage greater than ~~75,000 liters~~ (19,815 gallons) or hydrogen fluoride storage greater than ~~4,000 liters~~ (1,057 gallons).

(c) Equipment used exclusively for the transfer of less than ~~75,700 liters~~ (20,000 gallons) per day of unheated organic materials, with an initial boiling point of ~~150 degrees Celsius~~ (302 degrees Fahrenheit) or greater, or with an organic vapor pressure of ~~five (5) mm Hg~~ (0.1 psi) absolute or less at ~~21.1 degrees Celsius~~ (seventy (70) degrees Fahrenheit).

(d) Equipment used exclusively for the storage of unheated organic materials with an initial boiling point of ~~150°C~~ (302°F) or greater, or with an organic vapor pressure of ~~five (5) mm Hg~~ (0.1 psi) absolute or less at ~~21.1 degrees Celsius~~ (seventy (70) degrees Fahrenheit). This exemption does not include liquid fuel storage greater than ~~160,400 liters~~ (40,000 gallons).

(e) Equipment used exclusively for transferring organic liquids, materials containing organic liquids, or compressed gases into containers of less than ~~225 liters~~ (sixty (60) gallons) capacity, except equipment used for transferring more than ~~4,000 liters~~ (1,057 gallons) of materials per day with a vapor pressure greater than ~~25.8 mm Hg~~ (0.5 psi) absolute at operating conditions.

(f) Equipment used exclusively for the storage and transfer of liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes and wax emulsions.

- (g) Equipment used exclusively for the storage and transfer of refined lubricating oils.
- (h) Equipment used exclusively for the storage and transfer of crankcase drainage oil.
- (i) Equipment used exclusively for organic liquid storage or transfer to and from such storage, of less than ~~950 liters~~ (251 gallons) capacity. This exemption does not include asphalt.
- (j) Equipment used exclusively for the storage and transfer of "top white" (i.e., Fancy) or cosmetic grade tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets.
- (k) Equipment used exclusively for the storage, holding, melting and transfer of asphalt or coal tar pitch with a capacity of less than ~~600 liters~~ (159 gallons).
- (l) Pumps used exclusively for pipeline transport of liquids.
- (m) Equipment used exclusively for the unheated underground storage of ~~23,000 liters~~ (6,077 gallons) or less, and equipment used exclusively for the transfer to or from such storage of organic liquids with a vapor pressure of ~~77.5 mm Hg~~ (1.5 psi) absolute or less at actual storage conditions.
- (n) Equipment used exclusively for the storage and/or transfer of an asphalt-water emulsion heated to ~~sixty-six (66) degrees Celsius~~ (~~150°F~~ ~~degrees Fahrenheit~~) or less.
- (o) Liquid fuel storage tanks piped exclusively to emergency internal combustion engine-generators, turbines or pump drivers.
- (p) Bins used for temporary storage and transport of material with a capacity of ~~2,080 liters~~ (550 gallons) or less.
- (q) Equipment used for material storage where no venting occurs during filling or normal use.
- (r) Equipment used exclusively for storage, blending, and/or transfer of water emulsion intermediates and products, including latex, with a VOC content of five (5) percent by volume or less or a VOC composite partial pressure of ~~five (5) mm Hg~~ (0.1 psi) absolute or less at ~~twenty (20) degrees Celsius~~ (~~sixty-eight (68°F) degrees Fahrenheit~~).
- (s) Equipment used exclusively for storage and/or transfer of sodium hypochlorite solution.



- (t) Equipment used exclusively for the storage of organic materials which are stored at a temperature at least ~~130-degrees-Celsius (234°F-degrees Fahrenheit)~~ below its initial boiling point, or have an organic vapor pressure of ~~five (5) mm Hg (0.1 psi)~~ absolute or less at the actual storage temperature. To qualify for this exemption, the operator shall, if the stored material is heated, install and maintain a device to measure the temperature of the stored organic material. This exemption does not include liquid fuel storage greater than ~~160,400 liters (40,000 gallons)~~, asphalt storage, or coal tar pitch storage.
- (u) Stationary equipment used exclusively to store and/or transfer organic compounds that do not contain VOCs.
- (v) Unheated equipment including associated control equipment used exclusively for the storage and transfer of fluorosilicic acid at a concentration of ~~thirty (30)~~ percent or less by weight and a vapor pressure of ~~twenty-four (24) mm Hg 0.5 psi~~ or less at ~~seventy-seven (77°F)-degrees Fahrenheit (25-degrees-Celsius)~~. The hydrofluoric acid concentration within the fluorosilicic acid solution shall not exceed one percent (1%) by weight.

(14) Natural Gas and Crude Oil Production Equipment:

- (a) Well heads and well pumps.
- (b) Crude oil and natural gas pipeline transfer pumps.
- (c) Gas, hydraulic or pneumatic re-pressurizing equipment.
- (d) Equipment used exclusively as water boilers, water or hydrocarbon heaters, and closed heat transfer systems (does not include steam generators used for oilfield steam injection) that have:
  - (i) A maximum heat input rate of 2,000,000 Btu per hour or less; and
  - (ii) Been equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas, produced gas which contains less than ~~ten (10)~~ part per million hydrogen sulfide, or any combination thereof.
- (e) The following equipment used exclusively for primary recovery, and not associated with community lease units:
  - (i) Gas separators and boots.
  - (ii) Initial receiving, dehydrating, storage, washing and shipping tanks with an individual capacity of ~~34,069 liters (9,000 gallons)~~ or less.
  - (iii) Crude oil tank truck loading facilities (does not include a loading rack), and gas recovery systems exclusively serving tanks exempted under subsection (E)(14)(e)(ii) .



- (iv) Produced gas de-hydrating equipment.
- (f) Gravity-type oil water separators with a total air/liquid interfacial area of less than ~~4.2 square meters (forty-five (45) square feet)~~ and the oil specific gravity of 0.8251 or higher (~~forty (40.0) API~~ or lower).
- (g) The following definitions will apply only to subsection (E)(14) above:
  - (i) “Primary Recovery” - Crude oil or natural gas production from “free-flow” wells or from well units where only water, produced gas or purchased quality gas is injected to repressurize the production zone.
  - (ii) “Community Lease Units” - Facilities used for multiple-well units (three or more wells), whether for a group of wells at one location or for separate wells on adjoining leases.
  - (iii) “Shipping Tanks” - Fixed roof tanks which operate essentially as “run down” tanks for separated crude oil where the holding time is ~~seventy-two (72)~~ hours or less.
  - (iv) “Wash Tanks” - Fixed roof tanks which are used for gravity separation of produced crude oil/water, including single tank units which are used concurrently for receipt, separation, storage and shipment.

(15) Agricultural Sources

- (a) Orchard wind machines powered by an internal combustion engine with a manufacturer’s rating greater than ~~fifty (50) brake horsepower~~bhp, provided the engine is operated no more than ~~thirty (30)~~ hours per calendar year.
- (b) Orchard heaters approved by the California Air Resources Board to produce no more than one (1) gram per minute of unconsumed solid carbonaceous material.

(F) Recordkeeping

- (1) Any person claiming exemptions under the provisions of this rule shall provide adequate records pursuant to District Rule 109 and any applicable Material Safety Data Sheets (MSDS), to verify and maintain any exemption. Such records shall be retained on-site for at least five (5) years. Any test method used to verify the percentages, concentrations, vapor pressures, etc., shall be District approved.

(G) Compliance Date

- (1) The Owner/Operator of equipment previously not requiring a permit pursuant to Rule 219 shall comply with Rule 203 – *Permit to Operate* within one (1) year from the date the rule is amended to remove the exemption unless compliance is required before this time by written notification by the APCO.

## **Appendix “B”**

### **Public Notice Documents**

1. Proof of Publication – Antelope Valley Press 09/16/2016

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# AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} ss

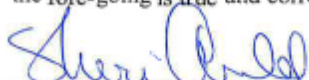
The space above for filing stamp only

## NOTICE OF HEARING RULE 219 - EQUIPMENT NOT REQUIRING A PERMIT

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published daily in the City of Palmdale, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the **Ledger-Gazette**, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the **Desert Mailer News**, formerly known as the **South Antelope Valley Foothill News**, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

September 16, 2016

I certify (or declare) under penalty of perjury that  
the fore-going is true and correct.

  
Signature

Dated: September 16, 2016  
Executed at Palmdale, California

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on October 19, 2016 at 10:30 A.M. to consider the proposed amendment of Rule 219 - Equipment Not Requiring a Permit.

SAID HEARING will be conducted in the Governing Board Chambers located at the AVAQMD offices, 43301 Division Street, Suite 204, Lancaster, CA 93553-4649 where all interested persons may be present and be heard. Copies of the proposed amendment on Rule 219 - Equipment Not Requiring a Permit and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the AVAQMD Offices. Written comments may be submitted to 3701 Banks, APCO at the above office address, and should be received no later than October 17, 2016 to be considered. If you have any questions, you may contact Barbara Lods at (881) 723-8070 x3 or via E-mail at [blods@avaqmd.ca.gov](mailto:blods@avaqmd.ca.gov) for further information. Traducción esta disponible por solicitud.

The proposed amendments to Rule 219 - Equipment Not requiring a Permit are necessary to address a more detailed interpretation by the California Air Resources Board of Senate Bill 700 provisions, and to update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 5 - 14 Cal. Code Reg. 516338) applies and has prepared a Notice of Exemption for this action.

CRYSTAL GORES  
Deputy Clerk of the Board  
Antelope Valley Air Quality Management District

Published September 16, 2016

AVAQMD  
SEP 21 2016  
RECEIVED

*Antelope Valley Press*

37404 SIERRA HWY., PALMDALE CA 93550  
Telephone (661)267-4112/Fax (661)947-4870

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## **Appendix “C”**

### **Public Comments and Responses**

1. Lockheed Martin email, Subject: Rule 219, July 26, 2016.

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## 1. Lockheed Martin email

Barbara Lods

---

**From:** Bret Banks  
**Sent:** Thursday, September 15, 2016 7:55 AM  
**To:** Barbara Lods  
**Subject:** FW: Rule 219  
**Attachments:** AV219 D1.doc

**From:** Stepman, Marci B [<mailto:marci.b.stepman@lmco.com>]  
**Sent:** Tuesday, July 26, 2016 10:16 AM  
**To:** Bret Banks  
**Cc:** Jackson, Angelica C  
**Subject:** FW: Rule 219

Hi Bret-

Angelica asked that I send this along to you. District's additions are in red – what we are proposing is in blue. You may have to save it and then “show markup detail” to see the additions.

Feel free to call if you have questions or comments.

Thanks for sending!

Marci

1. District response to Lockheed comment
------------------------------------------

1. Industry provided comment on July 26 to add language derived from 40 CFR 63.11514. Please see proposed AV Rule 219 § (E)(5)(h) for proposed updated language.
2. Industry provided comment on July 26 to amend language. Please see proposed AV Rule 219 § (E)(11)(b) for proposed updated language.
3. Industry provided comment on July 26 requesting to add language which would exempt spray equipment used in conjunction with permitted portable air pollution control equipment. The District has reviewed this comment and believes the proposed equipment-based exemption is adequate. Please see proposed AV Rule 219 § (E)(12)(o).
4. Industry provided comment on July 26 to amend language derived from SCAQMD Rule 219 § (o)(4). Please see proposed AV Rule 219 § (E)(12)(y) for proposed updated language.
5. Industry provided comment on July 26 to amend language derived from SCAQMD Rule 219 § (o)(3). Please see proposed AV Rule 219 § (E)(12)(oo) for proposed updated language.

**Appendix “D”**  
California Environmental Quality Act  
Documentation

1. Notice of Exemption – Los Angeles County

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Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

AVAQMD 661.733.8070  
NOV 09 2016 Fax 661.733.3450  
RECEIVED  
Eldon Heaston, Executive Director

### NOTICE OF EXEMPTION

**TO:** Los Angeles County Clerk  
12400 E. Imperial Hwy, #1001  
Norwalk, CA 90650

**FROM:** Antelope Valley  
Air Quality Management District  
43301 Division Street, Suite 206  
Lancaster, CA 93535-4649

☒ AVAQMD Clerk of the Governing Board

**PROJECT TITLE:** Amendment of Rule 219 – *Equipment Not Requiring a Permit*

**PROJECT LOCATION – SPECIFIC:** Los Angeles County portion of the Mojave Desert Air Basin.

**PROJECT LOCATION – COUNTY:** Los Angeles County

**DESCRIPTION OF PROJECT:** The proposed amendments to Rule 219 are necessary to address a more detailed interpretation by CARB of Senate Bill (SB) 700 provisions and to update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Antelope Valley AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Antelope Valley AQMD

**EXEMPT STATUS (CHECK ONE)**

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed amendments to Rule 219 are exempt from CEQA review because they will not create any adverse impacts on the environment.

The proposed amendments to Rule 219 will clarify portions of the rule that were previously adopted to incorporate the provisions of SB 700. Language is being changed in accordance with CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

The exemption for welding is also proposed for modification to reflect requirements in the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including welding. This is no longer a blanket exemption and may require a small number of facilities to obtain permits that were previously exempted. This amendment strengthens the exemption and will not create any increase in emissions.

**ORIGINAL FILED**

NOV 07 2016

**LOS ANGELES, COUNTY CLERK**

Printed on recycled paper





Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

661.723.8070  
Fax 661.723.3450

Eldon Heaston, Executive Director

Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix "D".

LEAD AGENCY CONTACT PERSON: Bret Banks PHONE: (661) 723-8070

SIGNATURE: 

TITLE: Executive Director/APCO DATE: October 18, 2016

DATE RECEIVED FOR FILING:



## **Appendix “E”**

### **Bibliography**

The following documents were consulted in the preparation of this staff report.

1. *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX).

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